

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

DANIEL CARSTAIRS, on behalf of himself  
and all others similarly situated,

Plaintiff,

- VS -

UNIVERSITY OF ROCHESTER,

Defendant.

**NOTICE OF  
MOTION TO DISMISS**

Civil Action No.:  
20-cv-06690-CJS

**PLEASE TAKE NOTICE** that Defendant University of Rochester (“Rochester”), by and through its attorneys, Nixon Peabody LLP, upon the Declaration of Robert L. Clark, Ph.D., sworn to on February 4, 2021, and the exhibits thereto; the accompanying Memorandum of Law filed herewith; and other pleadings filed in this action, will move this Court, at the United States Courthouse, 100 State Street, Rochester, New York 14614, at such date and time as the Court deems proper, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing with prejudice all claims of Plaintiff’s Amended Complaint in their entirety, and granting Rochester such other and further relief as this Court deems just and proper. Rochester intends to file and serve reply papers.

**PLEASE TAKE FURTHER NOTICE** that Rochester requests oral argument on this motion.

[Signature block follows.]

Dated: February 5, 2021  
Rochester, New York

**NIXON PEABODY LLP**

By: /s/ Richard A. McGuirk

Richard A. McGuirk

W. Daniel Deane (*Notice of Appearance to be filed*)

Kacey Houston Walker (*Notice of Appearance to be filed*)

Steven M. Richard (*Pro Hac Vice to be filed*)

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